

ITEM NO: \_\_\_\_\_

PREPARED BY: Susan Callison

COMMISSIONER: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_  
County Attorney

Resolution to Amend Shelby County Retirement System Plan C to Change the Definition of "Spouse" with Respect to Entitlement to a Line of Duty Survivor Pension and to Add a Definition of "Line of Duty Death." Sponsored by Commissioner George S. Flinn.

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WHEREAS, by resolutions previously adopted, the Shelby County Commissioners adopted and has since maintained Shelby County Retirement System consisting of Plan A, Plan B and Plan C; and

WHEREAS, Plan C contains a definition of "Spouse" that requires a participant's surviving spouse to have been married to the participant for three years before the participant's death to be entitled to a survivor pension; and

WHEREAS, it is desirable to eliminate the three year requirement for the spouse of a participant whose death is a "Line of Duty Death," as defined in the Plan; and

WHEREAS, it is necessary to add a definition of "Line of Duty Death" to Plan C; and

WHEREAS, a copy of the System's actuary's actuarial impact letter with respect to the proposed amendments is attached hereto,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that Plan C be, and is hereby, amended as follows:

1. The definition of a new term, "Line of Duty Death," be added to read as follows and to be placed in Article 1, the definitions article, of Plan C alphabetically:

"Line of Duty Death" means Death that is a direct result, exclusive of all external, unrelated causes, of an accident or activity occurring in the actual performance of duties arising out of and in the course of employment for the Participant's Employer. Furthermore, if any Participant who is a firefighter or a law enforcement officer to whom the

provisions of Tennessee Code Annotated Section 7-51-201 (popularly known as the "Heart and Lung Act") applies dies as a result of any condition or impairment of health caused by hypertension or heart disease, such death shall be presumed to be a Line of Duty Death unless the contrary is shown by competent medical evidence or unless such condition or disease was revealed in his pre-employment examination as existing at the time of his employment.

2. The definition of "Spouse" in Article 1 of the Plan is amended to read as follows in its entirety:

"Spouse" means the person who has been legally married (as determined under the laws of the State) to the Participant for at least three (3) consecutive years at the relevant time, except that, in the case of entitlement to a Survivor Pension under 6.1, if the Participant's death is a Line of Duty Death, "Spouse" means the person who was legally married (as determined under the laws of the State) to the Participant at the relevant time. The "relevant time" is (a) the day prior to the first date upon which the Participant is entitled to receive an immediately payable Pension after his having made an election to receive a Pension or (b) in the case of a Participant who dies prior to the date upon which he is entitled to so receive an immediately payable Pension, the date of his death.

2. This amendment shall be effective for Participants dying on or after the Effective Date.

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Joyce Avery, County Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
Clerk of the County Commission

ADOPTED: \_\_\_\_\_